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Civil Code of Louisiana: Revision of 1870 with  
Amendments to 1960 (1961 Edition), edited by  
Joseph Dainow. West Publishing Co., St. Paul, 1961.  
Pp. xlii, 863.

Leon Sarpy

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## BOOK REVIEW

*Civil Code of Louisiana: Revision of 1870 with Amendments to 1960 (1961 Edition)*, edited by Joseph Dainow. West Publishing Co., St. Paul, 1961. Pp. xlii, 863.

The dark clouds of the great depression of the thirties had one significant silver lining affecting the legal history of Louisiana. During that decade the law faculties of the state's three law schools instituted a vigorous effort to revive and maintain proper professional interest in the state's civil law heritage. In addition to classroom pedagogy, many noteworthy articles appeared in the law reviews on civilian topics; and in 1938 the Louisiana State Law Institute was organized and promptly began its record of supporting the civil law as set forth in the Civil Code and Code of Practice. Professor Joseph Dainow of Louisiana State University served as editor of one of the Institute's early projects, the Compiled Edition of the Civil Codes of Louisiana.

A confirmed adherent to stressing the primary importance of the Civil Code text and motif above all else, Professor Dainow concluded that there was great need for a compact edition of that Code which would not be weighted down physically and otherwise with the customary and voluminous annotations of court decisions. Such a volume could serve as an effective avenue by which law students could learn the fundamentals of the Civil Code, and the practitioners could have a ready reference to its text. The thought of a handy volume had been earlier conceived by the noted civilian scholar and professor of the Civil Code at Tulane, Eugene D. Saunders, who had published a small white paper edition with black leather grain cover in 1909. This idea was also adopted some years later when the late Theodore Roehl edited and published his handy volume of Garland's Revised Code of Practice in 1914. These very practical volumes were soon out of print and copies were exceedingly scarce. A second edition of Saunders' Civil Code was published in 1920, and reprinted in 1933.

In his foreword to the first edition of Dainow's Civil Code, published by West Publishing Company in 1947, Dean Paul M. Hebert noted that for a number of years copies of the Saunders'

edition of the Code had been practically unobtainable. The Dainow volume was an instant success and received very wide use throughout the state. Law students found it an extremely convenient volume to carry with them, and the practitioners found the volume very serviceable to carry away from the office, rather than the usual cumbersome and heavy volumes such as all annotated editions invariably had proved to be.

Since the first edition of Dainow's Civil Code in 1947, two significant contributions affecting the Civil Code had been made to the body of Louisiana law. In 1950 a revision of the state's statutory law, prepared by the Louisiana State Law Institute, the first revision since 1870, was adopted by the legislature. Ten years later, to supplant the Code of Practice, which had not been actually revised since its adoption in 1825, the Louisiana legislature in 1960 adopted the Code of Civil Procedure, also prepared by the Louisiana State Law Institute. The Revised Statutes amended by implication many articles of the Civil Code, and the Code of Civil Procedure rendered obsolete and repealed directly many more. Accordingly, feeling that time was ripe, Professor Dainow went to work on his second edition of the Civil Code, which appeared in 1961 as an up-to-date as well as handy volume. This edition was also published by West Publishing Company, this time in red buckram cover, rather than the brown buckram of the first edition.

Dainow's Civil Code is far more than a mere republication of the Code articles, for as the author pointed out in his prefaces, he incorporated several features which no previous edition of the Civil Code contained.

First, Dainow's Code presents an exhaustive index which was carefully prepared under his guidance for the Louisiana State Law Institute, and which is by far the most complete Civil Code index ever published. This feature alone has distinguished the Dainow editions, for the traditional subject of complaint by members of the Bar is a faulty and inadequate index — a glaring defect in most editions.

Secondly, in Dainow's Code, the cross-references appearing beneath every article to related articles of the State Constitution, Civil Code, and Revised Statutes are invaluable in reaching remote provisions relevant to the subject article. It is common knowledge that many Civil Code articles are implemented by

such collateral provisions in the law. The cross-reference system has been brought up to date in the second edition, including references to the Code of Civil Procedure of 1960.

Lastly, the 1961 edition contains valuable references to the pertinent sections of the Planiol Treatise on Civil Law, translated into English by the Law Institute.

For some years to come, the Bench and Bar will be adequately accommodated by this second edition of Dainow's Civil Code. This is so because a recodification of the Civil Code is not in prospect for at least two more decades, and it does not appear that there will be any substantial changes in the body of Louisiana law similar to those experienced in the past thirteen years. Professor Dainow's scholarly contribution has supplied added proof, if any be needed, that he is truly one of the outstanding authorities on Civil Law in the history of the state.

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